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**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

OA. 060/00385/2014

Chandigarh, this the 14th day of July, 2015

**CORAM: HON'BLE MRS. RAJWANT SANDHU, MEMBER(A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER(J)**

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Mandeep Singh s/o late Sh. Rajinder Singh (M.T.D.) Air Force Station, Chandigarh, r/o Village & Post Office Bhajo Majra, Tehsil and District SAS Nagar, Mohali.

.....Applicant

BY ADVOCATE: SH. S.L. CHANDER SHEKHAR

VERSUS

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. The Chief Air Marshal, Air Force Headquarter D.T.E. of P.C. – 5, Vayu Bhawan, New Delhi – 110 106.
3. A.O.C. 12 Wing Air Force Station, U.T. Chandigarh.

.....Respondents

BY ADVOCATE: SH. RAM LAL GUPTA

ORDER

HON'BLE MRS. RAJWANT SANDHU, MEMBER(A):-

1. This OA has been filed impugning the office order dated 07.06.2013 (Annexure A-1) vide which the request of the applicant for

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grant of employment assistance on compassionate grounds on account of the death of his father Ex. MTD Rajinder Singh on 24.02.2011 during service, has been rejected.

2. In the grounds for relief, it has been stated as follows:-

- (i) That the respondents have issued the scheme for appointment and object of this scheme is to grant appointment on compassionate ground to a dependent family member of a Government servant dying in harness or who is retired on medical grounds thereby leaving his family in penury and without any means of livelihood, to relieve the family of the Government servant concerned from financial destitution and to help it to get over the emergency. This aspect of the matter has been totally ignored by the respondents.
- (ii) The old mother is with the applicant who is bearing the expenses and looking after the disabled elder brother, therefore, all the family members are dependent upon the applicant and rejecting the case of the applicant for grant of employment on compassionate ground, is totally arbitrary and against the provisions of the scheme for compassionate appointment framed by the Government of India.
- (iii) That the case of the applicant has been wrongly rejected on the ground that the application for employment in Group 'C' post (Grade Pay Rs. 1900/-) on compassionate grounds has been considered by the competent authority alongwith 76 other applications for the year 2012-13 and the case of the applicant could not come in merit for selection within available number of vacancies owing to lower merit points (49) compared to the candidates selected having higher merit posts as indicated in Annexure I. The manner in which the merit points are worked out, is illegal and against the scheme. In the Annexure I attached with the rejection order (Annexure A-1), the name of the applicant has not been mentioned and the merit points have been given of their own choice and the name of the applicant has not appeared in this Annexure nor name of the applicant has been shown for waiting list. On this ground, the impugned order (Annexure A-1) is liable

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to be quashed and applicant is entitled to be given suitable appointment in Group 'C' or 'D' as per his qualification.

3. In the written statement filed on behalf of the respondents, it has been stated that Sh. Mandeep Singh had applied for a Group 'C' (Grade Pay Rs. 1900/-) post on 11.11.2011 after death of his father Sh. Rajinder Singh, MTD on 24.2.2011. The application was initially received at Air Head Quarter on 24.2.2012 through HQ Western Air Command and since some of the documents were not found attached, the same were sought by Air Head Quarter from HQ Western Air Command. The application alongwith all requisite documents ~~was~~ finally received from HQ Western Air Command on 28th May, 2012. The request of the applicant was examined by the Competent Authority at Air HQ as per prevailing Government instructions, policy and Hon'ble Supreme Court rulings on the subject. His case was considered by the Screening Committee alongwith 76 other applications received during the year 2012-13 on 22nd May, 2013 to select the candidates for filling 09 vacancies under the scheme of compassionate appointment. The applicant was awarded 49 merit points as per the existing guidelines whereas the merit points secured by the selected candidates ranged from 68 to 89 and hence, the applicant could not be selected for appointment. The outcome of the meeting of the Screening Committee was intimated to

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the applicant vide Air HQ letter No. Air HQ/23039/293/2012-13/PC-5 dated 7th June, 2013 (Annexure R-6).

4. Rejoinder has been filed on behalf of the applicant reiterating the content of the OA.

5. Arguments advanced by the learned counsel for the parties were heard when learned counsel for the applicant narrated the background of the matter and stated that the applicant was entitled to consideration of his claim for appointment on compassionate grounds for at least three times while the respondents had closed the case of the applicant after considering the same only once on the ground that he had secured lesser merit points than the persons recommended for appointment on compassionate grounds considering the limited number of vacancies.

6. Learned counsel for the respondents fairly stated that it had been clarified in para 6 of the written statement that as per the latest instructions issued by DOP&T vide para 8 of their OM dated 16.1.2013 (Annexure R-2), any application for compassionate appointment is to be considered without any time limit and decision taken on merit in each case, subject to availability of a vacancy and instructions on the subject issued from time to time. In the light of these instructions, if the

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applicant is still in penurious condition, he can apply afresh in the prescribed proforma alongwith revised immovable property certificate and other relevant information as on date indicating changed circumstances, if any, to the last unit in which the late Government servant served.

7. Learned counsel for the applicant then submitted that he would be satisfied if directions were to be issued to the respondents to consider afresh the application of the applicant for appointment on compassionate grounds which the applicant would file within one month.

8. Accordingly, this OA is disposed of with directions to the respondents to consider the claim of the applicant for appointment on compassionate grounds in the light of the instructions issued by the DOP&T vide their OM dated 16.1.2013 if a fresh application is filed by the applicant seeking such employment. No costs.

As _____

(RAJWANT SANDHU)
MEMBER(A)

B. A. Agarwal

(DR. BRAHM A.AGRAWAL)
MEMBER(J)

Dated: July 14th, 2015.
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